



Smithtown Town Board

99 West Main Street
Smithtown, NY 11787

Meeting: 03/05/24 02:00 PM
Department: Town Attorney
Category: Local Law
Prepared By: Lisa Sinacore
Initiator: Matthew Jakubowski
Sponsors:

ADOPTED

RESOLUTION 2024-261

DOC ID: 22944

Adopt Local Law #6-2024 - Chapter 222 Amendments

DESCRIPTION

Adoption of Local Law #6-2024, amendments to Chapter 222 of the Town Code entitled "Public Nuisance Abatement" as it relates to prohibited conduct, pursuant to Public Hearing held on March 5, 2024, SEQRA Type II Declaration and the recommendation of the Town Attorney.

PURPOSE

Adopt Local Law #6-2024, amendments to Chapter 222 of the Town Code entitled "Public Nuisance Abatement" as it relates to prohibited conduct.

REVIEW:

Matthew Jakubowski	Completed	03/05/2024 3:20 PM
Edward R. Wehrheim	Completed	03/05/2024 3:24 PM
Town Board	Completed	03/05/2024 2:00 PM



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ADOPTED

RESOLUTION 2024-261

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby adopts Local Law #6-2024, amendments to Chapter 222 of the Town Code entitled "Public Nuisance Abatement" as it relates to prohibited conduct, pursuant to Public Hearing held on March 5, 2024, SEQRA Type II Declaration and the recommendation of the Town Attorney:

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, New York met at the Smithtown Town Hall, Patrick R. Vecchio Building, Victor T. Liss Board Room, 99 West Main Street, Smithtown, NY 11787 on Tuesday, March 5, 2024 at 2:00 p.m., time then in effect, and duly adopted Local Law #6-2024, amendments to Chapter 222 of the Town Code entitled, "Public Nuisance Abatement" as it relates to prohibited conduct.

Local Law #6-2024 Chapter 222 Public Nuisance Abatement

Additions indicated by underlines.

Deletions indicated by ~~strikeouts~~.

§ 222-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PROHIBITED CONDUCT

- A. Any conduct or occurrence that is in violation of the following parts of the New York State Penal Law, as modified or amended:
- (1) Article 220 (controlled substances).
 - (2) Article 230 (prostitution).
 - (3) Article 225 (gambling).
 - (4) ~~Sections 221.40, 221.45, 221.50 and 221.55 (criminal sale of marijuana in the fourth degree through first degree).~~ Article 222 (cannabis).
 - (5) Sections 165.45, 165.50, 165.52 and 165.54 (criminal possession of stolen property in the fourth degree through first degree).
 - (6) Sections 165.09, 165.10 (auto stripping in the second and first degrees).

- (7) Section 170.65 (forgery of a vehicle identification number).
- (8) Section 170.70 (illegal possession of a vehicle identification number plate).
- (9) Any building, structure or place used for the commission of a criminal nuisance as that term is defined in § 240.45 of the Penal Law.
- (10) Any intentional conduct or occurrence that is in willful violation of §§ 65, 65-a, 82, 123 or 126 of the New York Alcoholic Beverage Control Law and ~~§ 260.20 of the New York Penal Law.~~
- (11) Sections 260.20 (unlawfully dealing with a child first degree) and 260.21 (unlawfully dealing with a child second degree).

Dated: March 5, 2024

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Edward R. Wehrheim, Supervisor
SECONDER:	Thomas J. McCarthy, Councilman
AYES:	Wehrheim, McCarthy, Nowick, Inzerillo, Lohmann